

CAMPAIGN FINANCE AND PRACTICES

COMPLAINT PROCEDURES (06/03)



Administrative Rules of Montana 44.10.307

A person may file a written complaint with the Commissioner of Political Practices if that person believes a violation of a provision of campaign finance and practices laws or rules has occurred. These laws and rules are contained within Montana Code Annotated Title 13, chapters 35 and 37 and Administrative Rules of Montana Title 44, Chapter 10.

HOW TO FILE A COMPLAINT

A complaint may be submitted using the optional Complaint Form available from the office of the Commissioner. The form may be requested in person or by telephone, e-mail, or fax. The form also can be downloaded from the website.

A complaint:

- must be typewritten or legibly handwritten or printed in ink;
- must include the complete name and complete mailing address of the person filing the complaint;
- must provide the complete name of the alleged violator and should include a complete mailing address;
- must describe in detail the alleged violation and should cite the statute(s) and/or rule(s) believed to have been violated;
- should include as an attachment any evidentiary material;
- must be signed and notarized; and
- must be delivered in person or sent certified mail.

FOLLOWING RECEIPT OF A COMPLAINT

Within five (5) business days of receiving a complaint, the Commissioner will acknowledge receipt by certified mail. A copy of the complaint will be provided to the alleged violator.

Thereafter the Commissioner will investigate the complaint and, upon completion of the investigation, will issue a written summary of facts and statement of findings that will be provided to the complainant and to the respondent.

Montana Code Annotated 13-37-124 confers concurrent jurisdiction to prosecute violations of the campaign finance and practices laws and rules on the County Attorney of the county in which the violation takes place and the Commissioner .

If the Commissioner has determined there is sufficient evidence to justify prosecution, the county attorney of the county in which the alleged violation occurred is notified. Within 30 days after notification, if the county attorney fails to initiate the appropriate legal action or waives the right to prosecute, the Commissioner is thereby authorized to initiate appropriate legal action.

PLEASE NOTE: No investigation is required if a complaint is frivolous on its face, illegible, too indefinite, does not identify the alleged violator, is unsigned, or is not notarized. In addition, no investigation is required if the complaint does not contain sufficient allegations to enable the Commissioner to determine that it states a potential violation of a statute or rule within the Commissioner's jurisdiction.